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July 14, 2020

By ECF

The Honorable Katherine Polk Failla
United States District Court
for the Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007
Failla_NYSDChambers@nysd.uscourts.gov

Re: Sines et al. v. Yiannopoulos, No. 20-mc-00241 (KPF)

Dear Judge Failla:

We write on behalf of Movants in the above-captioned action, which seeks to compel Respondent Milo Yiannopoulos to comply with a subpoena issued to him in connection with *Elizabeth Sines et al. v. Jason Kessler et al.*, No. 3:17-cv-00072 (W.D. Va.) (NKM) (the “Underlying Action”). Mr. Yiannopoulos was served with the motion papers on June 29, 2020, *see* Dkt. No. 3, and on July 9, 2020, Mr. Yiannopoulos confirmed with the Movants that he had “received your materials and I am reviewing them. I will respond to you more fully in due course.” Exhibit 1. Despite representing that he would respond “in due course,” however, Mr. Yiannopoulos did not file an opposition to the Movants’ motion within the time allowed under Local Civil Rule 6.1. *See* Dkt. No. 1 at 2 (giving notice to Mr. Yiannopoulos that “opposition papers, if any, are due within fourteen (14) days after service of Movants’ moving papers”).

Mr. Yiannopoulos’ July 9th e-mail also provided Movants with a link to an article that Mr. Yiannopoulos published that same day. *See* Exhibit 1 (noting that “your public court filing required a public response”). In the article, which is attached as Exhibit 2, Mr. Yiannopoulos makes statements that are highly relevant to the instant motion. Indeed, the letter calls into serious doubt whether Mr. Yiannopoulos made good-faith efforts to comply with the subpoena. *First*, Mr. Yiannopoulos concedes that he is “guilty of leading the [Movants’] lawyers on in emails, because I was intrigued about the lawsuit and wanted to probe them to figure out how bad it was going to get for [Defendant Richard] Spencer. I met with them once at their offices in the Empire State Building, out of gleeful curiosity, after offering vague promises to help them in order to secure the meeting.” *Id.* at 1. *Second*, Mr. Yiannopoulos strongly implies in the article that his representation to Movants that he was actively cooperating with certain law enforcement entities—and that he was required to give them “exclusivity” over the responsive material—*see* Dkt Nos. 1-16, 1-17,

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was almost entirely fabricated (apart from being baseless as a matter of law, *see* Dkt. No. 1-1 at 23). Specifically, Mr. Yiannopoulos now contends that he “met with [the FBI] once,” and “provided them with no additional material [beyond, presumably, a November 2019 audio clip of Spencer], then or since.” *Id.* Mr. Yiannopoulos then boasts that the FBI will only receive material going forward when he posts it to YouTube. *Id.* Finally, Mr. Yiannopoulos contends in the article that he is “not producing anything, because I don’t have what they are looking for,” *id.*, a contention hard to square with, for one, Mr. Yiannopoulos’ own prior representation to Movants that he may have relevant e-mails but that he was withholding them pursuant to a “journalistic privilege,” Dkt. 1-17.

* * *

In sum, Mr. Yiannopoulos continues to cavalierly defy “a duly issued subpoena issued to him in connection with a significant civil rights litigation that is shortly heading to trial.” Dkt. 1-1 at 1. And now that Movants’ motion is fully submitted, we write to the Court because time is of the essence. As noted in Movants’ motion papers, discovery in the Underlying Action is set to close on July 24, 2020. *See* Dkt. 1-1 at 4. Movants thus respectfully suggest that their motion is ripe for this Court’s resolution.

We appreciate Your Honor’s attention to this important matter.

Respectfully submitted,

/s/ Benjamin D. White

Benjamin D. White

(Attachments)